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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/683,600

01/24/2002

Scott C. Harris

Connect-Net

6414

23844

7590

05/29/2009

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EXAMINER

JACKSON, BLANE J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/683,600	<b>Applicant(s)</b> HARRIS, SCOTT C.	
	<b>Examiner</b> BLANE J. JACKSON	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 May 2009 has been entered.

### ***Response to Arguments***

In view of the After Final amendment filed 06 April 2009, new prior art Dietz is introduced to clearly teach a mobile telephone to accept speech input by the user for speech to text conversion at a more powerfully equipped local or non local server.

### ***Claim Rejections - 35 USC § 112***

Claims 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said first computer". There is insufficient antecedent basis for this limitation in the claim. It is suggested "said first computer" is amended to "said first electronically operated device" as indicated in claim 13.

Claim 19 recites the limitation "spoken voice requests" which consider not clear as to meaning voice commands or a "voice to be recognized" of claim 13 or other. It is suggested "spoken voice requests" is amended to "spoken voice" or similar.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 13-15, 17-19, 21-24 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz (US 6,385,586).

As to claims 13 and 19, Dietz teaches a system, comprising:

a first electronically operated device having a microphone, receiving a voice to be recognized (figure 2, column 5, lines 21-33, a cellular phone is utilized as the speech input device and configured for voice capture and transmission and text display),

said first electronically operated device including a connection to a network that extends between said first electronically operated device and a second computer (figure 1, column 3, line 44 to column 4, line 30, speech data is processed by a server on a local or non local network),

wherein said first electronically operated device operates to receive said voice to be recognized, and to send information indicative of said voice to be recognized over said network and receive a document that includes text that represents a result of recognizing said voice to be recognized in real time of a type which has only delays based on communication time and computing time, and where said text in said document represents only said voice having been recognized by the second computer and does not include results of recognizing any other voice (column 4, lines 31-42, first capturing the speaker's voice via a cellular telephone with transmission of the speech data to a more powerfully equipped server to render the speech to text, column 4, line 65 to column 5, line 10, the speaker is prompted for verification either with a text or audio output depending on the local device capabilities once the initial recognition is completed on the server an a text file is available to be sent back).

As to claim 14, Dietz teaches the first electronically operated device is included within a portable telephone (column 5, lines 21-33, cellular phones are utilized as the

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speech input devices and configured for voice capture and transmission and text display).

As to claim 15, Dietz teaches the first electronically operated device is included within a personal digital assistant (column 4, line 31 to column 5, line 33, a wireless portable device equipped to support the speech input and text conversation verification such as a cellular phone or PDA comprising a cellular phone).

Claim 16 is cancelled.

As to claim 17 with respect to claim 13, Dietz teaches wherein said recognition results text is displayed on said first computer and includes text indicative of specific words that represent said voice to be recognized (figure 2, column 4, line 65 to column 5, line 10, text file is sent to speaker to verify displayed text).

As to claim 18 with respect to claim 13, Dietz teaches wherein said network connection is a connection over an existing telephone line (column 3, line 44 to column 4, line 30, server includes a modem or network card for connection to a non local (telephone line) or local network (Ethernet)).

As to claim 20 with respect to claim 19, Dietz teaches the connection capability parts include parts that allow making a Bluetooth connection to a locally located device

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that is not accessed over the Internet to send said spoken voice and said recognized text (figure 2, column 3, line 61 to column 4, line 6 and column 5, lines 40-55, transmission of signals between the voice capture device or I/O device (201) and the local or non local server (202) may be by landline or wireless communication depending on the capability of the I/O device).

As to claim 21 with respect to claim 19, Dietz teaches said connection capability parts include parts that allow making a wireless networking connection to a locally located device (figure 2, column 3, line 61 to column 4, line 6 and column 5, lines 40-55, transmission of signals between the voice capture device or I/O device (201) and the local or non local server (202) may be by landline or wireless communication depending on the capability of the I/O device).

As to claim 22 with respect to claim 19, Dietz teaches the computer includes a telephone associated therewith (figure 2, column 3, line 61 to column 4, line 30 and column 5, lines 40-55, the server includes additional hardware components to communicate with objects and to handle multiple inputs and outputs of other clients, such as a PBX to handle multiple clients over a local or non local network).

As to claim 23 with respect to claim 22, Dietz teaches a plurality of said telephones and said computer commands only certain ones of said telephone to be commanded to communicate based on applied information (figure 2, column 3, line 61

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to column 4, line 30 and column 5, lines 40-30, the server includes addition hardware components to communicate with objects and to handle multiple inputs and outputs of other clients, such as a PBX to handle multiple clients over a local or non local network).

As to claim 24, Dietz teaches a telephone system, comprising:

a computer, having a connection capability part that allow forming a connection to a remote part, said connection using a protocol which does not require a dedicated wire connection, said connection operative to allow voice data to be received, to recognize said voice data to produce voice recognition information that is based on said voice data, where said voice data includes only a single voice, and said voice recognition data is based only on said single voice and to return processed information to the remote part, said processed information including document information that is representative of said voice recognition information, and in a form that allows said voice recognition information to be displayed as words that represent said voice data, on said remote part, and where said processed information is returned and is returned in real time of a type which has only delays based on communication time and computing time (figure 2, column 3, line 44 to column 5, line 33, a more powerfully equipped server (202) on a local or non local network provides speech to text services for display on the speaker's voice capture device (201) or cellular phone)..

As to claim 26 with respect to claim 19, Dietz teaches said document is displayed on a display associated with said first electronic device, and said display includes



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recognized words representing said spoken voice, said display showing said recognized words in said real time column 4, line 65 to column 5, line 10, the speaker is prompted for verification either with a text or audio output once the initial recognition is completed on the server and a text file is available to be sent back).

As to claim 27 with respect to claim 13, Dietz teaches the system further comprising a second computer, remote from said electronically operated device, said second computer connected to said network, and including automatic voice recognition capability (figure 2, column 3, line 44 to column 4, line 42, server (202) comprising speech recognition software for voice to text services).

As to claim 28 with respect to claim 13, Dietz teaches the system further comprising a digitizing part within said first electronically operated device, which digitizes said voice to be recognized prior to sending it over said network (figure 2, column 5, lines 21-33, the voice capture device is preferably a cellular phone).

As to claim 29 with respect to claim 19, Dietz teaches said first electronic device includes a digitizer which digitizes said sound received by said microphone prior to sending it to said computer (figure 2, column 5, lines 21-33, the voice capture device is preferably a cellular phone).

As to claim 30 with respect to claim 24, Kahn teaches the computer receives said voice data in a digitized form (figure 2, column 5, lines 40-55, digital data, not analog audio, is exchanged by landline or wirelessly between the voice capture device (201) and the server (202)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz (US 6,385,586) in view of Bouet (US 2002/0077139).

As to claims 20 and 25 with respect to claims 19 and 24, Dietz teaches the voice capture device communicates with the local or non local server via a landline or wireless communication, column 5, lines 21-55, but does not specify a Bluetooth connection.

Bouet teaches user terminals which are wireless telephone that include a low power Bluetooth radio transceiver to connect with a second terminal/ computer or access point for access to the Internet, figure 1, paragraphs 0024-0026.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the wireless connection between the voice capture device and

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the local server of Dietz is implemented as the Bluetooth protocol as suggested by Bouet for short range, local communication.

### ***Conclusion***

Reference the attached PTO-892 form for the prior art made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Blane J Jackson/  
Primary Examiner, Art Unit 2618